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Attorneys for Plaintiffs FERREOL CARDENAS, SR, Individually,
and as the Personal Representative for FERREOL CARDENAS, JR.,
Deceased and ROSA CARDENAS

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FERREOL CARDENAS, SR.,
Individually, and as the Personal
Representative for FERREOL
CARDENAS, JR., Deceased and ROSA
CARDENAS,

Plaintiffs,

vs.

CITY OF MANHATTAN BEACH,
MANHATTAN BEACH POLICE
OFFICER MICHAEL LYNCH (Serial
No. 313), MANHATTAN BEACH
POLICE OFFICER B. MUZATKO
(Serial No. 342) and Does 1 through 10,
inclusive,

Defendants.

CASE NO.: 2-15-cv-01469 PJW
[Assigned For All Purposes to the Hon.
Patrick J. Walsh, Magistrate Judge]

APPENDIX OF EVIDENCE IN
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT; DECLARATION OF
PETER M. WILLIAMSON

DATE: January 5, 2017
TIME: 1:30 P.M.
CTRM: 23
JUDGE: Hon. Patrick Walsh
TRIAL: March 21, 2017

TO: ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to applicable federal laws including, but not
limited to, Federal Rules of Civil Procedure 7, 11, 16, and 56, as well as U.S. Dist. Ct., C.D.
Cal. L. R. 56-1 through 56-4, and all applicable Orders of the Court, Plaintiffs, FERREOL
CARDENAS, Sr., Individually, and as the Personal Representative for FERREOL
CARDENAS, Jr., Deceased and ROSA CARDENAS, hereby jointly submit this Appendix

1 of Evidence in support of Plaintiffs' Opposition to Defendants' Motion for Summary
2 Judgment, or in the alternative, Summary Adjudication (filed concurrently herewith).

3 EVIDENCE IN OPPOSITION TO
4 DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
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- 6 1. Excerpts of hospital records of Ferreol Cardenas, Jr., from Little Company of Mary
7 Hospital, dated April 11, 2016;
- 8 2. Photograph of the face of Ferreol Cardenas, Jr., taken at Little Company of Mary
9 Hospital by Guadalupe Cardenas on April 12, 2016;
- 10 3. Excerpts of deposition transcript of witness Richard Towne, taken on October 26,
11 2016;
- 12 4. Excerpts of deposition transcript of witness Kevin James Heronema, taken on October
13 26, 2016;
- 14 5. Excerpts of deposition transcript of witness J. Daniel Augustine, M.D., taken on April
15 27, 2016;
- 16 6. Excerpts of deposition transcript of witness Cho Lwin, M.D., taken on October 19,
17 2016;
- 18 7. Excerpts of deposition transcript of witness Robert Chavez, M.D., taken on October
19 27, 2016;
- 20 8. Excerpts of deposition transcript of witness Marvin Pietruszka, M.D., taken on
21 November 18, 2016;
- 22 9. Expert Report of Marvin Pietruszka, M.D., dated August 26, 2016;
- 23 10. Excerpts of deposition transcript of Plaintiff Rosa Cardenas, dated August 30, 2016;
- 24 11. Excerpts of deposition transcript of Plaintiff Ferreol Cardenas, Sr., dated August 29,
25 2016;
- 26 12. Videotaped Interviews (two short interviews collectively referred to as Exhibit 12) of
27 Ferreol Cardenas, Jr., taken by Manhattan Beach Police Officer Anthony Presgraves,
28 dated April 10, 2016;

- 1 13. Excerpts of deposition transcript of Defendant Michael Lynch, taken on August 11,
2 2016;
3 14. Excerpts of deposition transcript of witness Anthony Presgraves, taken on August 12,
4 2016; and
5 15. Excerpts of deposition transcript of witness Guadalupe Cardenas, taken on September
6 2, 2016.
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8 DATED: December 27, 2016

Respectfully submitted

9 WILLIAMSON LAW FIRM
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12 BY: /s/ PETER M. WILLIAMSON

13 Attorneys for Plaintiffs
14 FERREOL CARDENAS, SR, Individually,
15 and as the Personal Representative for
16 FERREOL CARDENAS, JR.,
17 Deceased, and ROSA CARDENAS
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DECLARATION OF PETER M. WILLIAMSON

I, PETER M. WILLIAMSON, declare:

1. That I am an Attorney at Law, duly licensed to practice in the State of California, and am a member of the Bar of this Court. I am the attorney of record for Plaintiffs, FERREOL CARDENAS, Sr., Individually, and as the Personal Representative for FERREOL CARDENAS, Jr., Deceased, and ROSA CARDENAS in the above-entitled action. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath. This Declaration is submitted in support of Plaintiff's opposition to the Motion for Summary Judgment, or in the alternative, Summary Adjudication, filed by Defendants herein.

2. Attached hereto as Exhibit 1 to this declaration and appendix of evidence are true and correct copies of excerpts from the medical records of Ferreol Cardenas, Jr., dated April 11, 2016.

3. Attached hereto as Exhibit 2 to this declaration and appendix of evidence is a true and correct copy of a photograph of the face of Ferreol Cardenas, Jr., taken at Little Company of Mary Hospital by Guadalupe Cardenas, on April 12, 2016

4. Attached hereto as Exhibit 3 to this declaration and appendix of evidence are true and correct copies of excerpts from the deposition of witness Richard Towne, which deposition was taken on October 26, 2016.

5. Attached hereto as Exhibit 4 to this declaration and appendix of evidence are true and correct copies of excerpts from the deposition transcript of witness Kevin James Heronema, taken on October 26, 2016;

6. Attached hereto as Exhibit 5 to this declaration and appendix of evidence are true and correct copies of excerpts from the deposition transcript of witness J. Daniel Augustine, M.D., taken on April 27, 2016;

7. Attached hereto as Exhibit 6 to this declaration and appendix of evidence are true and correct copies of excerpts from the deposition transcript of witness Cho Lwin, M.D., taken on October 19, 2016;

1 8. Attached hereto as Exhibit 7 to this declaration and appendix of evidence are
2 true and correct copies of excerpts from the deposition transcript of witness Robert Chavez,
3 M.D., taken on October 27, 2016;

4 9. Attached hereto as Exhibit 8 to this declaration and appendix of evidence are
5 true and correct copies of excerpts from the deposition transcript of witness Marvin
6 Pietruszka, M.D., taken on November 18, 2016;

7 10. Attached hereto as Exhibit 9 to this declaration and appendix of evidence is the
8 Rule 26 Expert Report of Marvin Pietruszka, M.D., dated August 26, 2016;

9 11. Attached hereto as Exhibit 10 to this declaration and appendix of evidence are
10 true and correct copies of excerpts from the deposition transcript of Plaintiff Rosa Cardenas,
11 dated August 30, 2016;

12 12. Attached hereto as Exhibit 11 to this declaration and appendix of evidence are
13 true and correct copies of excerpts from the deposition transcript of Plaintiff Ferreol
14 Cardenas, Sr., dated August 29, 2016; and

15 13. Attached hereto as Exhibit 12 to this declaration and appendix of evidence is
16 a true and correct copy of a CD containing videotaped interviews (two short interviews
17 collectively referred to as Exhibit 12) of Ferreol Cardenas, Jr., taken by Manhattan Beach
18 Police Officer Anthony Presgraves, dated April 10, 2016.

19 14. Attached hereto as Exhibit 13 to this declaration and appendix of evidence are
20 true and correct copies of excerpts from the deposition transcript of Defendant Michael
21 Lynch, taken on August 11, 2016.

22 15. Attached hereto as Exhibit 14 to this declaration and appendix of evidence are
23 true and correct copies of excerpts from the deposition transcript of witness Anthony
24 Presgraves, taken on August 12, 2016.

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CERTIFICATE OF SERVICE

The above-signed hereby certify that a copy of the foregoing was served this 27th day of December, 2016, through the Court's ECF system to all counsel of record.